

U S District COURT OF THE STATE OF NEW YORK  
COUNTY OF Southern

Andre Nichols And Daniel Moraes

- against -

Michael T Mahoney Et Al

ODWYER & BERNSTEIN  
52 Duane St  
NEW YORK  
NY 10007

(212) 571-7100

Atty File #

Record # 109297

File # 387

STATE OF NEW YORK: COUNTY OF NASSAU: ss

Gary Hochman being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York:

That on 04/15/08 at 8:00pm at 4 Brown Drive Pearl River Ny 11965 deponent served the within Summ Comp Judges' Rules Order & Civil Case Management Plan on Emc New York Contracting C/O Michael T Mahoney recipient therein named.

After your deponent was unable with due diligence to serve the recipient in person, service was made by delivering a true copy thereof to and leaving with Michael T Mahoney managing agent a person of suitable age and discretion at 4 Brown Drive Pearl River Ny 11965 said premises being the recipient's usual place of abode a private house within the State of New York.

Deponent completed service by depositing a copy of the Summ Comp Judges' Rules Order & Civil Case Management Plan on 04/21/08 in a postpaid, properly addressed envelope by first class mail, bearing the legend Personal & Confidential and not indicating legal action, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Mailing was made to 4 Brown Drive Pearl River Ny 11965

**Attempts:**

A description of the person served on behalf of the defendant is as follows:

Approx Age: 45 Years Approx Weight: 175 Lbs. Approx Height: 5'8"  
Sex: Male Color of Skin: White Color of Hair: Grey  
Other:

Deponent spoke to Michael T Mahoney - Managing Agent same as above,

confirmed the above address of defendant and asked whether defendant was in active military service of the United States or the State of New York in any capacity whatever or is a dependent of anyone in the military and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that defendant is not in the military service of New York State or of the United States as that term is defined in either the State or in Federal statutes.

Sworn to before me this 04/21/08  
Debra A. Scott #01SC6137374  
Notary Public, State of New York  
Nassau County, Commission Expires 11/21/09

Gary Hochman

**Supreme Judicial Services, Inc.**

371 Merrick Road • Rockville Centre, N.Y. 11570 • (516) 825-7600  
225 Broadway • New York, N.Y. 10007 • (212) 319-7171  
FAX (516) 568-0812

